



Order under Section 78(11)  
**Residential Tenancies Act, 2006**

**Citation:** Make A Brilliant Move, Inc. v Cameron, 2023 ONLTB 65365

**Date:** 2024-01-24

**File Number:** LTB-L-072516-23-SA

**In the matter of:** 1, 24 WELLINGTON ST  
PORT HOPE ON L1A 2M3

**Between:** Make A Brilliant Move, Inc.

**And**

Matthew Cameron  
Leyla Leclair

I hereby certify this is a  
true copy of an Order dated  
**JAN 24, 2024**  
Landlord and Tenant Board

Landlord

Tenants

Make A Brilliant Move, Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Matthew Cameron Leyla Leclair (the 'Tenants') because the Tenants failed to meet a condition specified in the order issued by the Board on September 12, 2023 with respect to application LTB-L-049279-23.

The Landlord's application was resolved by order LTB-L-072516-23 issued on October 5, 2023.

This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-072516-23.

This motion was heard by videoconference on December 20, 2023 at 1:44 p.m.

The Landlord's agent Osman, Landlord's representative Bryan Weis Noorani, counsel and the Tenant Layla Leclair attended the hearing.

**Determinations:**

1. For the following reasons, the Tenant's motion to set aside is denied and the stay of the order is lifted February 29, 2024.
2. The order provides that the Landlord can apply to the LTB under section 78 of the Residential Tenancies Act, 2006 (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain conditions in the order.
3. The Landlord filed an L4 application alleging that the Tenants failed to pay the lawful rent on or before September 1, 2023, also alleging the Tenants failed to pay \$500.00 towards the arrears on or before August 20, 2023, \$513.18 towards the arrears on or before August 27, 2023 and \$1,013.18 towards the arrears of rent on or before September 20, 2023.

4. On November 8, 2023, the Tenants field a motion to set aside the ex-parte order.
5. At the hearing for the set aside motion, the Tenants acknowledged the breach.
6. If the Board finds that the Tenants did breach the hearing order then it must decide whether to grant discretionary relief pursuant to paragraph 78(11)(b) of *the Act*. That provision states that the Board must decide whether or not “in all the circumstances” it would be “unfair to set aside” the eviction order.
7. The Tenant, Layla Leclair (“LL”) testified the Tenant lost their job on September 15, 2023 and further testified the Tenant is in the process of applying for social assistance and while the Tenant has no income source at present, the Tenant anticipates income upon receipt of the Tenant’s annual income tax return.
8. The Landlord’s representative submitted the Tenants had not only breached the initial payment on August 20, 2023 but the Tenants also failed to make single scheduled payment or any payments toward the lawful monthly rent since the original hearing and not only should the set aside motion be denied, any delay to lift the stay would only further prejudice the Landlord.
9. The Tenants have not made the scheduled payments on time for several consecutive months. I find this to be prejudicial on the Landlord and that the Tenant led insufficient evidence to prove the Tenant’s would be able to make future payments on time; on the contrary, the evidence before me suggests that the Tenant’s limited income is inadequate to make any future payments. After considering all of the circumstances, I find that it would be unfair to set aside the order. I must now consider when to lift the stay.
10. The Tenant has one 12-year old son and further testified that the Tenant has a health condition, multiple sclerosis, which presents some physical limitations and requested that should the set aside order be denied, the lift of the stay be delayed for up to 120 days. I find that delaying the lift of the stay to February 29, 2024 would provide some additional time for the Tenants, given the Tenant’s physical health condition, to complete a search for affordable and suitable housing. This delay is not so extensive that shall severely prejudice the Landlord. I find February 29, 2024 is appropriate given the circumstances.

**It is ordered that:**

1. The motion to set aside LTB-L-072516-23 issued on October 5, 2023, is denied. This order remains unchanged.
2. The stay of the order LTB-L-072516-23 is lifted on February 29, 2024.

**January 24, 2024**  
**Date Issued**

---

Greg Witt  
Member, Landlord and Tenant Board

15 Grosvenor Street, 1st Floor  
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.